

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRELL EWING, et al.,

Plaintiffs,

Case No. 1:17-cv-505

v.

HONORABLE PAUL L. MALONEY

THOMAS FINCO, et al.,

Defendants.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on September 1, 2018, recommending that this Court grant the motion in part and deny the motion in part. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 30) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (ECF No. 22) is GRANTED IN PART AND DENIED IN PART.

IT IS FURTHER ORDERED that for the reasons stated in the Report and Recommendation, Defendants' motion is granted:

- (1) on all Plaintiff Ewing's claims against Defendant Finco and all his claims against Defendants Leach and Martin except his claims based on the August or September 2015 denial of his request to eat from URF's vegan meal line;
- (2) on all Plaintiff Allen's claims except his claims based on the November 2014 denial of his request for an alternative soy-free religious diet and his claims based on the August 2014 denial of his request to eat from URF's vegan meal line;
- (3) on all Plaintiff King's claims except his claims based on the November 2014 denial of his request for an alternative soy-free religious diet and his claims based on a September 29, 2014, URF meal where food was allegedly cross-contaminated with pork because food service workers were handling multiple meal lines without changing gloves;
- (4) on all Plaintiff Bryant's claims except his claims based on the October 2014 denial of his request for an alternative soy-free diet and interference with his ability to access URF's religiously approved vegan meal line and his cross-contamination claims stemming from meals served at URF on August 11 and September 22, 2014;
- (5) on all claims asserted by Plaintiff Miles; and
- (6) on all Plaintiff Dyke's claims against Defendants Finco and Martin and all his claims against Defendant Leach except his claims based on the November 2015 denial of his request to eat from URF's religious vegan diet line.

IT IS FURTHER ORDERED that all Plaintiffs' claims for injunctive relief against former Special Activities Coordinator Martin are DISMISSED as moot.

Dated: September 28, 2018

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge

